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Attorney for Defendant: **HUGO AREVALO-TAPIA**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

**UNITED STATES OF AMERICA,**

Plaintiff,

v.

**ALFREDO TAPIA, et al.**

Defendant,

Crim. S-04-310-WBS

**STIPULATION AND ORDER**

**IT IS HEREBY STIPULATED** between the parties that an evidentiary hearing for the Motion to Suppress Alfredo Tapia's statements presently set for May 4, 2005 at 9:00 a.m. be continued to May 25, 2005, and at that date, if appropriate, a new date for the hearing will be set. It is understood that no evidentiary hearing will be had on the date of May 25, 2005. Additionally, it is requested that May 25, 2005, be scheduled as a date for a change of plea by Mr. Arevalo-Tapia. Counsel for Mr. Arevalo-Tapia and the prosecutor are finalizing a plea agreement that will be submitted to the court prior to May 25, 2005.

It is agreed by all parties that the court should find excludable time from the date of the filing of the motion to the date of the court's ruling pursuant to 18 U.S.C. Section 3161(h)(1)(f), see also *Henderson v. U.S.* 321, 106 S. Ct 1871 (1986).

Counsel for the government has expressly authorized the signing of this stipulation and each defense counsel has been contacted and agreed to this change.

DATED: May 2, 2005

/s/  
DINA L. SANTOS  
Attorney for Hugo Arevalo-Tapia

DATED: May 2, 2005

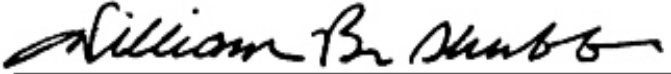
/s/  
DWIGHT M. SAMUEL  
Attorney for Alfredo Tapia

DATED: May 2, 2005

/s/  
ANN PINGS  
Assistant United States Attorney

**IT IS SO ORDERED**

May 2, 2005

  
WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE